

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:
William R. Wilkinson	: Chapter 13
Marie T. Wilkinson	: Case No.: 18-13858-ELF
Debtor(s)	:

**MOTION TO REOPEN CASE FOR THE LIMITED PURPOSES OF
AVOIDING JUDGMENT LIEN**

William R. and Marie T. Wilkinson, hereinafter referred to collectively as the “Debtors” in the above captioned bankruptcy case, now come and moves this court to Open the instant Chapter 13 Bankruptcy for the purpose of entry of an Order Avoiding The Judicial Lien held by Freedom Credit Union, hereinafter referred to as “Freedom”:

1. The above captioned bankruptcy matter was filed as a Chapter 13 matter on or about June 8, 2018.
2. The Chapter 13 bankruptcy matter was assigned case number 18-13858.
3. The Chapter Plan was confirmed on November 6, 2018.
4. The Debtor received a Chapter 13 Discharge on or about August 5, 2021.
5. On or about January 23, 2018 prior to the subject Chapter 13 Bankruptcy filing, Freedom, as Plaintiff entered a Default Judgment against the Debtors, as Defendant in the amount of \$16,273.24 in case number 171202045 in the Philadelphia County Court of Common Pleas.
6. Although Freedom was listed as a creditor in the Debtor’s Bankruptcy Proceeding, the recorded Judgment was unknown at the time of filing and did not appear on the Public Records Search or Liens and Judgment Search Sections of the Premium Credit Report obtained on the Debtors’ behalf prior to filing the instant Bankruptcy matter.
7. Further, freedom failed to file a Proof of Claim in the subject bankruptcy matter.

8. At this time the surviving Debtor wife is attempting to sell the real estate located and known as 3453 Ainslie Street, Philadelphia, PA however the judgment lien held by Freedom is attached to the subject real estate.

9. The Debtor has elected to take Federal Exemptions.

10. The Judicial lien in favor of Freedom impairs the Debtors' exemptions and is otherwise unsecured based on the value of the Debtors' real and/or personal property at the time of filing the instant Chapter 13 Bankruptcy matter.

11. At the time of filing the instant bankruptcy, the Debtor's residence located and known as 3453 Ainslie Street, Philadelphia, had a fair market value in the amount of \$225,097 and a first mortgage in the amount of \$178,314.64 per Claim number 13-1.

12. The Debtor had elected to use the federal 11 U.S.C. Section 522(D)(1) exemption on their residence, which has rendered any and all equity fully exempt.

13. The aforementioned judicial lien impairs the exemption on the Debtors' residence and is otherwise unsecured based on the value of the Debtor's residence.

WHEREFORE, the Debtors request an Order Opening and avoiding the judicial lien on Debtors' real and/or personal and for such additional or alternative relief as may be just and proper.

Dated: January 6, 2022

/s/ Brad J. Sadek, Esquire
Brad J. Sadek, Esquire
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